

November 23, 2021

Mr. Toby Baker  
Executive Director  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Austin, TX 78753

Mr. Charles Maguire  
Director, Water Division  
US EPA Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270

RE: Port of Corpus Christi Authority of Nueces County TPDES Permit No. TX0138347  
(WQ0005253000) ("Draft Permit")

Dear Mr. Baker and Mr. Maguire:

The Port of Corpus Christi Authority ("Port Authority") is aware that the Texas Commission on Environmental Quality ("TCEQ") and the Environmental Protection Agency ("EPA") have exchanged letters expressing disagreements about certain aspects of the process to finalize the Port Authority's Draft Permit. The Port Authority takes no position on these disagreements. Rather, the purpose of this letter is to invite and maintain a dialogue focused on the merits of the Draft Permit and the proposed seawater desalination facility.

As you know, the Draft Permit is currently in the contested case hearing process in state administrative court. The Port Authority remains confident in the technical and scientific analyses conducted and submitted in support of the Draft Permit and is currently preparing additional information and expert testimony to present during an upcoming hearing on the merits. Much work has been done to get to this point, and the Port Authority is now concerned that process disagreements between the agencies could affect the Administrative Law Judges' ability to focus their review only on those issues that were referred by the TCEQ and the robust technical and scientific evidence in the record. Underlying this concern, the Port Authority is aware that TCEQ and EPA have both received factually inaccurate information about the proposed facility and we look forward to correcting the record through appropriate means with science-driven information.

To be clear, the Port Authority respects the independent and important roles of both agencies and takes no position regarding whether EPA review is necessary. Given the unique posture of this Draft Permit, the ongoing contested case process, the programmatic disagreements between the agencies, and the significant misinformation presented to both agencies, the Port Authority respectfully requests that EPA conduct a review upon completion of the contested case process.

Doing so will minimize the potential for programmatic concerns to unnecessarily influence the outcome of the contested case hearing process and afford EPA the benefit of a thorough and complete administrative review.

Please do not hesitate to contact us if you have any questions.

Very respectfully,  
PORT OF CORPUS CHRISTI AUTHORITY



Sean C. Strawbridge  
Chief Executive Officer